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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,475	03/13/2001	Scott Faber	076705-200501/US	3558
64494	7590	10/23/2007	EXAMINER	
GREENBERG TRAURIG, LLP (SV)			LASTRA, DANIEL	
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			10/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/808,475	FABER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DANIEL LASTRA	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 July 2007.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5,7-14,16-20,22-29 and 31-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,7-14,16-20,22-29 and 31-45 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. Claims 1-5, 7-14, 16-20, 22-29 and 31-45 have been examined. Application 09/808,475 (APPARATUS AND METHOD FOR RECRUITING, COMMUNICATING WITH, AND PAYING PARTICIPANTS OF INTERACTIVE ADVERTISING) has a filing date 03/13/2001.

### *Response to Amendment*

2. In response to Non Final Rejection filed 06/18/2007, the Applicant filed an Amendment on 07/19/2007, which amended claim 1, 9, 10, 16 and 31.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7, 8, 10-13, 16-20, 22, 23, 25-28, 31-36 and 38-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeRafael (US 2002/0116256) in view of Dedrick (US 5,724,521), Kolls (US 6,807,532) and Friskel (US 6,839,737).

As per claims 1, 16 and 31, DeRafael, Dedrick, Kolls and Friskel teach:

A method comprising:

providing a list of advertisements to be displayed, wherein one or more of the advertisement comprise a link to be selected by a user to conduct a communication

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between the user and an advertiser (see DeRafael paragraph 12), compensate the user to conduct the communication with the advertiser (see DeRafael paragraph 13);

receiving, from one or more users, a selection of the link from list of advertisements (see DeRafael paragraph 12);

responsive to the selection of the link establishing a connection for communications between the one or more users and the advertiser (see DeRafael paragraph 13) and

compensating the one or more users based on the communications between the one or more users and the advertiser (see DeRafael paragraph 13) *to generate a balance to be paid to the user, enabling the user to purchase one or more items advertised by the selected link by deducting from the balance to be paid to the user* (See DeRafael paragraph 14).

DeRafael fails to teach that the advertisement comprises an indicia of the advertiser is currently available for real-time communication with the user and that said compensating is done based on the rate and duration of the real time communication between said user and said advertiser. However, Kolls teaches that it is old and well known in the promotion art to have interactive advertisements that allows users to communicate with advertisers in real time when said users clicks on said interactive ads (see Kolls col 46, lines 20-40). Friskel teaches that it is old and well known in the promotion art to indicate the online status (*i.e.* online, accepting chat) of users communicating in real time with other users (see Friskel figure 4). Dedrick teaches a system that compensates users for interacting with advertisements where said

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compensation is based upon a time and rate of said interaction (see Dedrick col 9, lines 1-5; col 13, lines 1-65; col 16, lines 1-20; col 17, lines 15-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that DeRafael interactive ads would allow users to communicate with advertisers in real-time, as taught by Kolls and Friskel and where said users would be compensated for said interaction with said advertisers based upon the amount of time and rate of said interaction, as taught by Dedrick in order to provide said users an incentive to communicate in real time with an advertisers as said users would be able to use said compensation to purchase items.

As per claims 2, 17 and 33, DeRafael, Dedrick, Kolls and Friskel teach:

The method of claim 1, further comprising:

receiving a request from an advertiser to establish an interactive advertising link (see DeRafael paragraph 13); and

placing a link for an interactive advertisement among the advertisements (see DeRafael paragraph 12).

As per claims 3, 18 and 34, DeRafael, Dedrick, Kolls and Friskel teach:

The method of claim 2, further comprising:

generating a record in an advertiser database, the record including advertiser information contained in the request, wherein the advertiser information includes one or more of a compensation price, real-time advertiser availability, specific type of the advertisement, languages spoken by the advertiser and additional compensation incentives (see DeRafael paragraph 14).

As per claims 4 and 19, DeRafael, Dedrick, Kolls and Friskel teach:

wherein the compensating the one or more users further comprises: billing the advertiser a billing amount for each interaction with the one or more users and transferring the billing amount to the one or more users (see Dedrick col 13, lines 10-40).

As per claims 5 and 20, DeRafael, Dedrick, Kolls and Friskel teach:

wherein the billing the advertiser further comprises: measuring a duration of the interaction between the one or more users and the advertiser and calculating the billing amount for the advertiser based on the duration of the interaction and a time-based price paid by the advertiser (see Dedrick col 13, lines 10-65).

As per claims 7 and 22, DeRafael, Dedrick, Kolls and Friskel teach:

wherein each selection from a user includes one or more of a category of advertisers, an advertiser payment price, advertiser type and advertisement (see Dedrick col 13, lines 10-40).

As per claims 8, 23 and 32, DeRafael, Dedrick, Kolls and Friskel teach:

The method of claim 1, wherein

selections from the one or more users, the method further comprises:

receiving a request from a user for connection to an interactive advertisement system via a communications link (see DeRafael paragraph 12);

establishing a connection between the user and the interactive advertisement system in order to provide the user with an interaction with a chosen advertiser, and

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providing the user with a list of multiple advertisement types available from the interactive advertisement system (see DeRafael paragraph 13).

As per claims 10 and 25, DeRafael, Dedrick, Kolls and Friskel teach:

The method of claim 1, further comprising: providing additional incentive-based links to the one or more users to provide additional feedback (see DeRafael paragraph 13).

As per claims 11 and 26, DeRafael, Dedrick, Kolls and Friskel teach:

wherein the compensating the one or more users further comprises:

enabling a user to purchase an advertised product with limited availability, such that the user is compensated by having the ability to purchase the advertised product (see Dedrick col 9, lines 1-20).

As per claims 12 and 27, DeRafael, Dedrick, Kolls and Friskel teach:

charging the user a predetermined amount such that the user is compensated by having the ability to purchase the advertised product and transferring the predetermined amount to the advertiser (See Dedrick col 13, lines 10-45).

As per claim 13, DeRafael, Dedrick, Kolls and Friskel teach:

The method of claim 11, wherein the connection comprises a telephone connection between the user and the advertiser of the selected link (see Kolls column 46, lines 20-40).

As per claims 35 and 38, DeRafael, Dedrick, Kolls and Friskel teach:

The method of claim 31, wherein the connection comprises a telephone connection between the user and the advertiser of the selected link (see Kolls col 46, lines 20-40).

As per claim 36, DeRafael, Dedrick, Kolls, and Friskel fail to teach a wireless communications network interface coupled to the processor to connect the user to the advertiser. However, Official Notice is taken that it is old and well known in the computer art to connect users to the Internet wirelessly. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that DeRafael, Dedrick, Kolls, and Friskel would allow user to connect to the Internet wirelessly as it is old and well known to do so.

As per claim 39, DeRafael, Dedrick, Kolls and Friskel teach:

The system of claim 31, further comprising:

a banner advertisement link module to generate an interactive advertisement link as a banner advertisement in a web page (see DeRafael paragraph 12).

As per claim 40, DeRafael, Dedrick, Kolls and Friskel teach:

The system of claim 31, further comprising: a banner advertisement link module to generate an interactive advertisement link as a banner advertisement in a web page returned from a search engine web site (see DeRafael paragraph 12).

As per claim 41, DeRafael, Dedrick, Kolls and Friskel teach:

The method of claim 1, wherein the selection of the link comprises a selection of a link to an interactive poll and wherein a user selecting the poll is compensated for providing a response to the poll (see DeRafael figure 5).

As per claim 42, DeRafael, Dedrick, Kolls and Friskel teach:

The method of claim 1, wherein the providing the list of advertisements comprises providing a web page including one or more interactive advertising links to receive the selection (see DeRafael figure 4).

As per claim 43, DeRafael, Dedrick, Kolls and Friskel teach:

The method of claim 42, wherein the connection for real time communications between the one or more users and the advertiser is separate from a communication link used in the providing of the web page (see Kolls col 46, lines 20-40).

As per claim 44, DeRafael, Dedrick, Kolls and Friskel teach:

The method of claim 1, wherein the establishing of the connection comprises: conferencing together a first real-time communication link established to the one or more users and a second real-time communication link established to the advertiser (see Kolls col 46, lines 20-40).

4. Claims 9, 14, 24, 29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeRafael (US 2002/0116256) in view of Dedrick (US 5,724,521), Kolls (US 6,807,532), Friskel (US 6,839,737) and Graham (US 6,732,183).

As per claims 9, 24 and 37, DeRafael, Dedrick, Kolls, and Friskel teach:

wherein the selection of the link comprises the selection of an interactive seminar link to a selected interactive seminar, the establishing of the connection further comprises:

establishing a real-time video communications link between the one or more users and an advertiser of the selected interactive advertisement (see Kolls col 46, lines 20-40); providing additional incentive-based links to the one or more users to provide additional feedback (see DeRafael paragraph 14). DeRafael, Dedrick, Kolls, and Friskel do not expressly mention that said interactive ads are interactive seminars. However, Graham teaches that it is old and well known in the computer art to connect multiple users to online seminars via the Internet (see Graham col 14, lines 40-65). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that DeRafael, Dedrick, Kolls, and Friskel would use the system taught by Graham in order to give user access to online seminars and would allow said user to order products when connecting with said online sessions in order that advertisers would have an incentive to compensate users for communicating with said advertisers.

As per claims 14 and 29, DeRafael, Dedrick, Kolls, and Friskel fail to teach: response to receiving, from an advertiser interface, a request to activate an interactive seminar, advertised by one of the advertisements, activating the seminar, to allow one or more users to select and participate in the interactive seminar. However, Graham teaches that it is old and well known in the computer art to connect multiple users to online seminars via the Internet (see Graham col 14, lines 40-65). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that DeRafael, Dedrick, Kolls, and Friskel would use the system taught by Graham in order to give user access to online seminars as it is old

and well known to do so, as taught by Graham. Graham does not expressly teach responsive to receiving, from the advertiser interface, a request to de-activate the interactive seminar, de-activating the interactive seminar to prevent additional users from participating in the interactive seminar. However, Official Notice is taken that it is old and well known in the advertiser art to let people know when a telemarketer's seminar is no longer available. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that , DeRafael, Dedrick, Kolls, Friskel and Graham would de-active a seminar session that is no longer available and would let users know that said seminar is already closed, so said users do not waste their time trying to access a seminar that no longer exists.

5. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeRafael (US 2002/0116256) in view of Dedrick (US 5,724,521), Kolls (US 6,807,532), Friskel (US 6,839,737) and Katz (US 6,323,894).

As per claim 45, DeRafael, Dedrick, Kolls, and Friskel fail to teach wherein the advertiser is concurrently connected to more than one user who selected the link. However, Katz teaches that the advent of video phones has enable users to visually communicate from remote locations where employees or customers in different places can take part in interactive training sessions or seminars with no loss of time for travel (see column 2, lines 5-20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that DeRafael, Dedrick, Kolls, and Friskel would allow users to participate in interactive seminars, as

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taught by Katz in order to allow said users to be compensated for attending said seminars via the Internet.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-5, 7-14, 16-20, 22-29 and 31-45 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

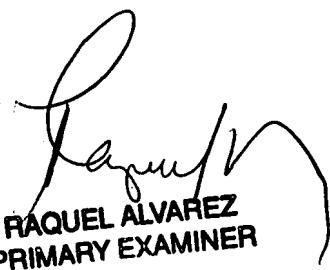
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra  
September 29, 2007

  
RAQUEL ALVAREZ  
PRIMARY EXAMINER